

From: Abbott, Christopher
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/17/02 5:39pm
Subject: Microsoft settlement public comment

To whom it may concern:

I feel the proposed settlement with Microsoft falls short in several areas. I also do not feel that this proposal, though it be expeditious and favored by approximately half the plaintiffs, to represent the desires of the American public. I believe this for several reasons.

1 - Microsoft has been found to be a persistent monopolist by the prior Court(s) in this case. Through Microsoft's written communications, court depositions, and by their very actions they have shown this to be true. Indeed, we have seen one of the other pending legal actions against them have a settlement brought forth, just like this case. However, it was turned down by the presiding Court due to it being seemingly skewed towards aiding their monopoly. What kind of a company, under trial for antitrust activities, puts forth a settlement, in any legal proceeding, that aids its monopolistic behavior? From all this evidence the public has seen and heard, how can we believe that the company is negotiating in anything close to good faith? I would almost have to put forth that any agreement Microsoft agrees to is not one worth accepting.

2 - This judgment, while achieving several things that will hinder Microsoft in certain areas, does no where near encompass the future of the company. Many industry analysts and pundits have stated that Microsoft is "betting it's future" on .Net and web services. Why then does the settlement deal with mostly OS-based issues, which are perhaps Microsoft's past and partial present but in no way it's future? This kind of a monopolist is different from others prosecuted in the country's past. There is no way Standard Oil would ever do else but produce oil, up and down the supply chain. That can not be said of Microsoft. When they began, they were a software company. Then they became an operating system software company. Then they branched into multimedia services. Now they are pushing towards web-based services. While the OS is the cash cow that feeds their monopolistic activities now, it will not be in the future, other things will be. The rendering of this court will mean nothing if it does not take that into account. And Microsoft knows this and is expecting this to be the case.

3 - I believe in the guiding principles of capitalism. Indeed, I have several friends who work for Microsoft and I wish them no ill will. To me, it would seem that the problem with Microsoft is not the programmers or the people who work for it. No, the problem seems to be the people who run Microsoft. From their predatory activities to garner a monopoly on the desktop, to their railroading OEM's to utilize their software alone, to their most recent leveraging of their monopoly by restructuring their licensing agreements to attempt to force businesses to increase the speed of their upgrade cycle; Microsoft has consistently shown that the people who are guiding them are ruthless

profit-mongers with no morals, who do not have the best interests of their users or the American public at heart. Why then, is there not any provision in the settlement to deal with the actual cause of the problem? There should at least be a provision in the agreement for the future punishment of Microsoft executives, should they be found to continue their monopolistic practices, albeit beyond the scope of this agreement. I personally feel there should also be an agreement for the punishment of current executives for their actions, but I have little hope that shall occur.

In the end, Microsoft is a monopolist, period. End of story. While I am not suggesting that the example of Standard Oil should guide the Court's decision, I do say Microsoft should come away from these proceedings with little more than a slap on the wrist. Otherwise, I may as well begin ignoring everything I hear about Linux, Apple, IBM, Sun and the rest, for it won't be too long before they are nothing but "monopoly shelters" for Microsoft to hide behind. Microsoft will garner as much of the market as it feels it can take before the government steps in and then will rest on its laurels, growing fat (as it is now with it's \$36+ billion in accrued unused cash), stagnating the industry and the information technology revolution as a whole in the United States.

Please, I ask the Court to do the right thing. Reject this settlement and force the parties to go back to the table at least. Perhaps even push them to follow in a similar fashion to the dissenting states. They have the right idea for limiting this monopolist and it's unscrupulous executives from continuing to perpetrate their illegal activities on the American public. Thank you.

Sincerely,

Chris Abbott
MSG - Information Protection
christopher.abbott@anheuser-busch.com
Phone: (314) 577-7213